

1  
2  
3  
4  
5 **UNITED STATES DISTRICT COURT**  
6 **DISTRICT OF NEVADA**

7 CONOR JAMES HARRIS,

8 Petitioner,

9 v.

10 BRIAN WILLIAMS,

11 Respondent.  
12

Case No.: 2:19-cv-01180-KJD-EJY

**ORDER**

13 On April 3, 2020, this court granted Petitioner Harris's motion asking the court to stay  
14 this habeas proceeding under 28 U.S.C. § 2254 pending a decision from the Ninth Circuit on  
15 whether he may file a successive petition. ECF No. 16. On June 26, 2020, Ninth Circuit entered  
16 an order denying Harris's application to for authorization to file a second or successive habeas  
17 corpus petition in the district court. ECF No. 19-1 at 2-3. Now before the court for decision is his  
18 motion to lift the stay. ECF No. 18. Respondents do not oppose Harris's motion, but contend that  
19 the court must dismiss his petition for lack of jurisdiction.

20 Without authorization from the court of appeals, this court is without jurisdiction to  
21 consider Harris's petition if it is a successive or second petition as contemplated by 28 U.S.C.  
22 § 2244(b). *See Burton v. Stewart*, 549 U.S. 147, 153 (2007). In his motion for a stay, Harris  
23 conceded that the authorization requirement imposed by § 2244(b)(3) applies to his current

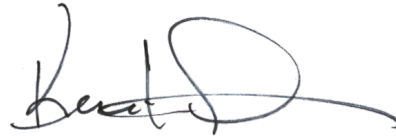
1 petition. ECF No. 14 at 2-3. In addition, Harris has not filed a reply to respondents' argument for  
2 dismissal. Consequently, Harris's petition will be dismissed.

3 **IT IS THEREFORE ORDERED** the petitioner's motion to lift stay (ECF No. 18) is  
4 GRANTED.

5 **IT IS FURTHER ORDERED** that the petition for writ of habeas corpus (ECF No. 6) is  
6 DISMISSED for lack of jurisdiction. The Clerk shall enter judgment accordingly and close this  
7 case.

8 **IT IS FURTHER ORDERED** that a certificate of appealability is denied as reasonable  
9 jurists would not find it debatable whether dismissal of the petition is the correct ruling.

10 Dated: October 29, 2020



11  
12 UNITED STATES DISTRICT JUDGE  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23